

Appl. No. 09/733,600,  
Response dated February 15, 2005  
Reply to Office Action of November 16, 2004  
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### Remarks

The Office Action has been carefully reviewed. The following remarks herein are considered responsive thereto. Claims 12 and 13 have been cancelled by this amendment, claims 1 – 11 and 14 – 16 remain in this application.

Claims 1 – 11 and 14 – 16 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 12 of U.S. Patent No. 6,226,622. Further, claims 12 and 13 were rejected under 35 U.S.C. §101, as claiming the same invention as the invention of claims 12 and 13 of U.S. Patent No. 6,226,622, respectively.

In response to the rejections of claims 1 – 11 and 14 – 16 the Applicant has amended dependent claim 14 into independent form, wherein claim 14 now includes the limitations of independent claim 12 and dependent claim 13 from which claim 14 depended. Further, since the present application is commonly owned in conjunction with the cited patent, in compliance with 37 CFR 1.321(c), a terminal disclaimer is being filed concurrently with the amendment in order to overcome the rejection based upon the non-statutory double-patenting grounds.

In response to the rejections of claims 12 and 13, the Applicant has cancelled claims 12 and 13. Therefore, in view of the above-mentioned amendments to the claims, the Applicant respectfully requests that the rejection of claims 12 and 13 under 35 U.S.C. §101 be withdrawn.

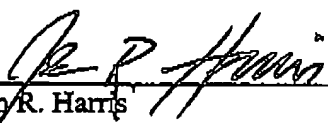
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In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully submitted that this application be allowed and that a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicant's attorneys would be advantageous to the disposition of this case then the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

February 15, 2005

  
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